

# Exhibit 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ECF CASE

JONATHAN ALTER, et al.,

Plaintiffs,

v.

OPENAI, INC., et al.,

No. 1:23-cv-10211-SHS

Defendants.

**PLAINTIFFS' RESPONSES AND OBJECTIONS TO OPENAI OPCO, LLC'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1-16)**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiffs Jonathan Alter, Kai Bird, Taylor Branch, Rich Cohen, Eugene Linden, Daniel Okrent, Julian Sancton, Hampton Sides, Stacy Schiff, James Shapiro, Jia Tolentino, and Simon Winchester (“Plaintiffs”), by and through counsel, hereby responds to Defendant OpenAI OpCo, LLC’s (“OpenAI”) First Set of Requests for Production of Documents and Things (“Requests”) as follows. As each set of responses and objections is identical, Plaintiffs hereby serve a joint response.

By answering these Requests, Plaintiffs do not concede the relevance or admissibility of the documents requested or produced. Plaintiffs expressly reserve the rights to object to the use or admissibility at trial of any of the information provided below or of the documents produced in response. These responses are made solely for the purpose of this litigation and are provided subject to further discovery. Plaintiffs expressly reserve the right to supplement or amend these responses at any time and for any reason.

**Objections and Responses**

**Request for Production No 1:** All U.S. copyright registrations for Your Copyrighted Works.

**Response:** Plaintiffs object to this request as overbroad and irrelevant to the extent that it seeks information related to works not at issue in this action.

Subject to and without waiver of the preceding objections, Plaintiffs will produce discoverable, non-privileged, responsive U.S. copyright registrations in their custody or control that could be located after a reasonable search for Copyrighted Works at issue in this action.

**Request for Production No 2:** All Documents and Communications relating to your ownership of Your Copyrighted Works.

**Response:** Plaintiffs object to this request as overbroad to the extent that it seeks information related to works not at issue in this action. Plaintiffs further object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26.

Subject to and without waiver of the preceding objections, Plaintiffs will produce discoverable, non-privileged, responsive documents in its custody or control that could be located after a reasonable search sufficient to show Plaintiffs' copyright ownerships for the Copyrighted Works at issue in this action.

**Request for Production No 3:** All Documents and Communications relating to OpenAI's alleged use of Your Copyrighted Works.

**Response:** Plaintiffs object to this request as overbroad to the extent that it seeks information related to works not at issue in this action. Plaintiffs further object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on expert discovery and privileged work-product by Rule 26. Plaintiffs further object to this Request as overly burdensome insofar as it seeks information solely within Defendants' possession, custody, or control.

Subject to and without waiver of the preceding objections, Plaintiffs will produce discoverable, non-privileged, responsive documents in their custody or control that could be located after a reasonable search regarding OpenAI's use of the Copyrighted Works at issue in this action.

**Request for Production No 4:** Your agreements, including but not limited to licenses and work-for-hire agreements, relating to Your Copyrighted Works.

**Response:** Plaintiffs object to this request as overbroad to the extent that it seeks information related to works not at issue in this action. Plaintiffs further object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26.

Subject to and without waiver of the preceding objections, Plaintiffs will produce discoverable, non-privileged, responsive licensing and publishing agreements in their custody or control that could be located after a reasonable search regarding Copyrighted Works at issue in this action.

**Request for Production No 5:** For each Copyrighted Work, Documents sufficient to show Your understanding of any license applicable to that Copyrighted Work.

**Response:** Plaintiffs object to this request as overbroad to the extent that it seeks information related to works not at issue in this action. Plaintiffs further object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26. Plaintiffs further object to the use of the phrase "Your understanding" as vague and ambiguous. Plaintiffs further object to this request as overbroad because it is not limited temporally and requests information that is not relevant to this lawsuit.

**Request for Production No 6:** All Documents and Communications relating to Your decision to enter into any of the licenses You allege apply to Your Copyrighted Works.

**Response:** Plaintiffs object to this request as overbroad to the extent that it seeks information related to works not at issue in this action. Plaintiffs further object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26. Plaintiffs further object to this request as overbroad because it is not limited temporally and requests information that is not relevant to this lawsuit.

**Request for Production No 7:** All Documents and Communications relating to the alleged reproduction, public display, or distribution of Your Copyrighted Works by any Defendant, including but not limited to reproduction, public display, or distribution by ChatGPT.

**Response:** Plaintiffs object to this request as overbroad to the extent that it seeks information related to works not at issue in this action. Plaintiffs further object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26. Plaintiffs further object to this request as overbroad because it is not limited temporally and requests information that is not relevant to this lawsuit. Plaintiffs further object to this Request as overly burdensome insofar as it seeks information solely within Defendants' possession, custody, or control. Plaintiffs further object to this Request insofar as it seeks information related to consultants and non-testifying experts hired to assist counsel in its preparation of this case for trial. The Court has set a date for expert disclosures in this case and Plaintiffs will make their disclosures according to the Court's scheduling order.

Subject to and without waiver of the preceding objections, Plaintiffs will produce discoverable, non-privileged, documents responsive to this request in their custody or control that could be located after a reasonable search regarding Copyrighted Works at issue in this action.

**Request for Production No 8:** All Documents and Communications relating to any efforts undertaken by You to enforce Your copyrights for any of Your Copyrighted Works against anyone, or to monitor for or investigate infringement of Your Copyrighted Works.

**Response:** Plaintiffs object to this request as overbroad to the extent that it seeks information related to works not at issue in this action. Plaintiffs further object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26. Plaintiffs further object to this request as overbroad because it is not limited temporally and requests information that is not relevant to this lawsuit.

Subject to and without waiver of the preceding objections, Plaintiffs are willing to meet and confer to clarify the scope of this request.

**Request for Production No 9:** All Documents and Communications relating to Your investigation of the claims alleged in the Complaint.

**Response:** Plaintiffs object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26. Plaintiffs further object to this Request insofar as it seeks information related to consultants and non-testifying experts hired to assist counsel in its preparation of this case for trial. The Court has set a date for expert disclosures in this case and Plaintiffs will make their disclosures according to the Court's scheduling order.

Subject to and without waiver of the preceding objections, Plaintiffs will produce discoverable, non-privileged, responsive documents, if any, in their custody or control that could be located after a reasonable search regarding Copyrighted Works at issue in this action.

**Request for Production No 10:** All Documents and Communications relating to OpenAI, including any relationship You have had with any OpenAI entity, communications with OpenAI, and accounts with OpenAI.

**Response:** Plaintiffs object to this request as overbroad to the extent that it seeks information related to works not at issue in this action. Plaintiffs further object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26. Plaintiffs further object to this request as overbroad because it is not limited temporally and requests information that is not relevant to this lawsuit. Plaintiffs further object to this Request insofar as it seeks information related to consultants and non-testifying experts hired to assist counsel in its preparation of this case for trial. The Court has set a date for expert disclosures in this case and Plaintiffs will make their disclosures according to the Court's scheduling order. Plaintiffs further object to this Request as overly burdensome insofar as it seeks information equally as accessible to Defendants as it is to Plaintiffs.

Subject to and without waiver of the preceding objections, Plaintiffs are willing to meet and confer to clarify the scope of this request.

**Request for Production No 11:** All Documents or Communications relating to any injury or harm You claim to have suffered as a result of the conduct alleged in the Complaint (Case No. 1:23-cv-10211; ECF No. 26), including those alleged in Paragraphs 105-108.

**Response:** Plaintiffs object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26. Plaintiffs further object to this Request insofar as it seeks information related to consultants and non-testifying experts hired to assist counsel in its preparation of this case for trial. The Court has set a date for expert

disclosures in this case and Plaintiffs will make their disclosures according to the Court's scheduling order.

Subject to and without waiver of the preceding objections, Plaintiffs will produce discoverable, non-privileged, documents responsive to this request in their custody or control that could be located after a reasonable search regarding Copyrighted Works at issue in this action.

**Request for Production No 12:** All Documents upon which You intend to rely on for summary judgment or at trial.

**Response:** Plaintiffs object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26. Plaintiffs further object to this Request insofar as it seeks information related to consultants and non-testifying experts hired to assist counsel in its preparation of this case for trial. The Court has set a date for expert disclosures in this case and Plaintiffs will make their disclosures according to the Court's scheduling order.

Subject to and without waiver of the preceding objections, Plaintiffs will produce discoverable, non-privileged, documents responsive to this request in their custody or control that could be located after a reasonable search regarding Copyrighted Works at issue in this action.

**Request for Production No 13:** All Documents and Communications produced or provided to You by Your Agents or third parties in this Action.

**Response:** Plaintiffs object to this request as overbroad to the extent that it seeks information related to works not at issue in this action. Plaintiffs further object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26.

Plaintiffs further object to this request as overbroad because it is not limited temporally and requests information that is not relevant to this lawsuit.

Subject to and without waiver of the preceding objections, Plaintiffs are willing to meet and confer to discuss the request.

**Request for Production No 14:** All Documents and Communications You have had with any person other than Your attorneys concerning this litigation, including Your decision to become a Plaintiff in this litigation.

**Response:** Plaintiffs object to this request insofar as it seeks information protected from discovery by the Federal Rules of Civil Procedure, including the limits imposed on common-interest protection, expert discovery, and privileged work-product by Rule 26. Plaintiffs further object to this Request insofar as it seeks information related to consultants and non-testifying experts hired to assist counsel in its preparation of this case for trial. The Court has set a date for expert disclosures in this case and Plaintiffs will make their disclosures according to the Court's scheduling order.

Subject to and without waiver of the preceding objections, Plaintiffs will produce discoverable, non-privileged, documents responsive to this request in their custody or control that could be located after a reasonable search.

**Request for Production No 15:** All Documents constituting the pleadings in any action in which You are or were a named party or identified as a proposed class representative, as well as any transcripts of any depositions or other testimony provided in such actions. This Request specifically includes all civil and criminal actions as well as actions before quasi-judicial forums such as arbitrations, and regulatory/disciplinary and administrative law tribunals.

**Response:** Plaintiffs object to this request as overbroad, unduly burdensome, and irrelevant to any parties' claims or defenses in this matter because it seeks information about previous suits with no bearing on the issues in this action. Plaintiffs further object to this request as overbroad because it is not limited temporally. Plaintiffs further object to this request to the extent it seeks information publicly

available to either party. Plaintiffs further object to the extent that this request seeks information about any matter protected by a confidentiality agreement or court order.

**Request for Production No 16:** Documents sufficient to show all final judgments or settlements in any matter in which You were a named party or identified as a proposed class representative.

**Response:** Plaintiffs object to this request as overbroad, unduly burdensome, and irrelevant to any parties' claims or defenses in this matter because it seeks information about previous suits with no bearing on the issues in this action. Plaintiffs further object to this request as overbroad because it is not limited temporally. Plaintiffs further object to this request to the extent it seeks information publicly available to either party. Plaintiffs further object to the extent that this request seeks information about any matter protected by a confidentiality agreement or court order.

Dated: February 28, 2024

/s/ Justin A. Nelson

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*Attorney for Plaintiffs and the Proposed Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 28, 2024, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ *Alejandra C. Salinas*  
Alejandra C. Salinas